

54 Stat. 12.
22 U. S. C. § 456 (d).
"National emergency."

18 U. S. C. § 28.
Ante, p. 683.

Effective date.

agency or agencies of the National Military Establishment as he may designate, to arm, or to permit or cause to be armed, any American vessel as defined in the Neutrality Act of 1939. For the purposes of this Act, the term "national emergency" means any time at which the President determines that the security of the United States is threatened through the application, or imminent danger of the application, of physical force by any foreign government or agency against the United States, its citizens, their property, or commercial interests. The provisions of section 16 of the Criminal Code (relating to bonds from armed vessels on clearing) shall not apply to any such vessel.

SEC. 2. The provisions of this Act shall become effective on July 1, 1948.

Approved June 29, 1948.

[CHAPTER 716]

AN ACT

June 29, 1948

[S. 1447]

[Public Law 818]

To prohibit the importation of foreign wild animals and birds under conditions other than humane, and for other purposes.

Importation of birds and animals.

35 Stat. 1137.

Ante, p. 864.

Restrictions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 241 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909 (U. S. C., title 18, sec. 391), is amended to read as follows:

"SEC. 241. (a) The importation into the United States or any Territory or district thereof, of the mongoose, the so-called 'flying foxes' or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of the Interior may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. Nothing in this subsection shall restrict the importation of natural-history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of the Interior may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this subsection and subsection (b).

Transportation permits, requirements.

"(b) The Secretary of the Treasury shall prescribe such requirements and issue such permits as he may deem necessary for the transportation of wild animals and birds under humane and healthful conditions, and it shall be unlawful for any person, including any importer, knowingly to cause or permit any wild animal or bird to be transported to the United States, or any Territory or district thereof, under inhumane or unhealthful conditions or in violation of such requirements. In any criminal prosecution for violation of this subsection and in any administrative proceeding for the suspension of the issuance of further permits—

"(1) the condition of any vessel or conveyance, or the enclosures in which wild animals or birds are confined therein, upon its arrival in the United States, or any Territory or district thereof, shall constitute relevant evidence in determining whether the provisions of this subsection have been violated; and

"(2) the presence in such vessel or conveyance at such time of a substantial ratio of dead, crippled, diseased, or starving wild animals or birds shall be deemed *prima facie* evidence of the violation of the provisions of this subsection."

Approved June 29, 1948.